

## ~CERTIFICATION MARK APPLICATION (15 U.S.C. §§ 1051, 1126(d)&(e))~

**Note: The following form complies with the provisions of the Trademark Law Treaty Implementation Act (TLTIA) and the fee increase effective January 10, 2000.**

### BASIC INSTRUCTIONS

The following form is written in a “scannable” format that will enable the U.S. Patent and Trademark Office (USPTO) to scan paper filings and capture application data automatically using optical character recognition (OCR) technology. Information is to be entered next to identifying data tags, such as <DATE OF FIRST USE IN COMMERCE>. OCR software can be programmed to identify these tags, capture the corresponding data, and transmit this data to the appropriate data fields in the Trademark databases, largely bypassing manual data entry processes.

Please enter the requested information in the blank space that appears to the right of each tagged (< >) element. However, do not enter any information immediately after the section headers (the bolded wording appearing in all capital letters). If you need additional space, first, in the space provided on the form, enter “See attached.” Then, please use a separate piece of paper on which you first list the data tag (e.g., <LISTING OF GOODS AND/OR SERVICES>), followed by the relevant information. Some of the information requested must be provided. Other information is either required only in certain circumstances, or provided only at your discretion. **Please consult the “Help” section following the form for detailed explanations as to what information should be entered in each blank space.**

To increase the effectiveness of the USPTO scanners, it is recommended that you use a typewriter to complete the form.

For additional information, please see the Basic Facts about Trademarks booklet, available at <http://www.uspto.gov/web/offices/tac/doc/basic/>, or by calling the Trademark Assistance Center, at 703-308-9000. You may also wish to file electronically, from <http://www.uspto.gov/teas/index.html>.

### MAILING INFORMATION

Send the completed form, appropriate fee(s) (made payable to “The Commissioner of Patent and Trademarks”), and any other required materials to:

Box New App  
Fee  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

The filing fee for this application is \$325.00 *per class* of goods and/or services. You must include at least \$325.00 with this application; otherwise the papers and money will be returned to you. Once your application meets the minimum filing date requirements, this processing fee becomes **non-refundable**. This is true even if the USPTO does not issue a registration certificate for this mark.

You may also wish to include a self-addressed stamped postcard with your submission, on which you identify the mark and list each item being submitted (e.g., application, fee, specimen, etc.). We will return this postcard to you, stamped with your assigned serial number, to confirm receipt of your submission.

~**CERTIFICATION MARK APPLICATION (15 U.S.C. §§ 1051, 1126(d)&(e))**~

~To the Assistant Commissioner for Trademarks~

**<APPLICANT INFORMATION>**

<Name>  
<Street>  
<City>  
<State>  
<Country>  
<Zip/Postal Code>  
<Telephone Number>  
<Fax Number>  
<e-mail Address>

**<APPLICANT ENTITY INFORMATION>**~Select only ONE~

<Individual: Country of Citizenship>  
<Corporation: State/Country of Incorporation>  
<Partnership: State/Country under which Organized>  
    <Name(s) of General Partner(s) & Citizenship/Incorporation>  
  
<Other Entity Type: Specific Nature of Entity>  
    <State/Country under which Organized>

**<CERTIFICATION MARK INFORMATION>**

<Mark>  
<Typed Form>                      ~Enter YES, if appropriate~

**<GOODS AND/OR SERVICES>**

~Applicant requests registration of the above-identified certification mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. § 1051 et seq.) for the following goods and/or services:~

<International Class Number(s)> ~"A" if Goods, "B" if Services~

<Listing of Goods and/or Services> ~List by ascending class and filing basis~

**<CERTIFICATION>**

~The certification mark, as used (or, if filing under 15 U.S.C. §1051(b), intended to be used) by authorized persons, certifies (or, if filing under 15 U.S.C. §1051(b) is intended to certify) ~

<Certification Statement>

**<FEE INFORMATION>**

\$325.00 x <Number of Classes> = <Total Filing Fee Paid>

**<FILING BASIS INFORMATION>** ~May enter more than one~**<Intent to Use: Section 1(b)>**

~Enter YES, if appropriate~

~Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce by authorized persons on or in connection with the above-identified goods/services (15 U.S.C. §§ 1051(b) and 1054). Applicant will not engage in the production or marketing of the goods/services to which the mark is applied. Applicant will later provide with the filing of an Allegation of Use (Amendment to Alleged Use/Statement of Use) a **COPY OF STANDARDS** the applicant will use to determine whether goods or services will be certified. ~

**<Use in Commerce: Section 1(a)>**

~Enter YES, if appropriate~

~Applicant is exercising legitimate control over the use of the certification mark in commerce on or in connection with the above-identified goods/services. (15 U.S.C. §§ 1051(a) and 1054). Applicant is not engaged in the production or marketing of the goods or services to which the mark is applied. Applicant submits one (1) **SPECIMEN** with this application showing the mark as used by authorized persons in commerce. Applicant also provides with this application a **COPY OF STANDARDS** the applicant uses to determine whether goods or services will be certified.~

&lt;Date of First Use Anywhere&gt;

&lt;Date of First Use in Commerce&gt;

**<Foreign Priority: Section 44(d)>**

~Enter YES, if appropriate~

~Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce by authorized persons on or in connection with the above-identified goods/services (15 U.S.C. §1054), and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. § 1126(d). Applicant will not engage in the production or marketing of the goods/services to which the mark is applied. ~

&lt;Country of Foreign Filing&gt;

&lt;Foreign Application Number&gt;

&lt;Date of Foreign Filing&gt;

**<Foreign Registration: Section 44(e)>**

~Enter YES, if appropriate~

~Applicant has a bona fide intention to exercise legitimate control over the use of the certification mark in commerce by authorized persons on or in connection with the above-identified goods/services (15 U.S.C. §1054). Applicant must submit the foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 U.S.C. §1126(e). Applicant will not engage in the production or marketing of the goods/services to which the mark is applied. ~

&lt;Country of Foreign Registration&gt;

&lt;Foreign Registration Number&gt;

&lt;Foreign Registration Date&gt;

&lt;Foreign Registration Renewal Date&gt;

&lt;Foreign Registration Expiration Date&gt;

### <SIGNATURE AND OTHER INFORMATION>

~**DECLARATION:** The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the certification mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he/she believes applicant to be entitled to exercise legitimate control over use of the mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods and/or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.~

~Signature~ \_\_\_\_\_

<Date Signed>

<Name>

<Title>

### <CONTACT INFORMATION>

<Name>

<Company/Firm Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<Telephone Number>

<Fax Number>

<e-Mail Address>

The information collected on this form allows the PTO to determine whether a mark may be registered on the Principal or Supplemental Register, and provides notice of an applicant's claim of ownership of the mark, or bona fide intent to use the mark in commerce. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental Register. 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing the information will require an estimated seventeen to twenty-three minutes.

Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number. (See bottom left side of this form).

## LINE-BY-LINE HELP INSTRUCTIONS FOR CERTIFICATION MARK APPLICATION

In order for the U.S. Patent and Trademark Office (“USPTO”) to accept this Application for filing, all the information requested must be entered in the space provided, unless otherwise indicated.

**Note:** If filing pursuant to §1(a), please attach one (1) specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services.

### APPLICANT INFORMATION

**Name:** Enter the full name of the applicant, i.e., the name of the individual, corporation, partnership, or other entity that owns the mark. If a joint venture organized under a particular business name, enter that name. If joint or multiple applicants, enter the name of each of these applicants. If a trust, enter the name of the trustee(s). If an estate, enter the name of the executor(s).

**Street:** Enter the street address or rural delivery route where the applicant is located.

**City:** Enter the city and/or foreign area designation where the applicant’s address is located.

**State:** For an applicant residing in the United States, enter the U.S. state in which the applicant’s address is located.

**Country:** Enter the country of the applicant’s address. If the address is outside the United States, a “Domestic Representative” on whom notices or process in proceedings affecting the mark may be served must be appointed.

**Zip/Postal Code:** Enter the U.S. zip code or foreign country postal identification code.

**Telephone Number:** Enter the applicant’s telephone number.

**Fax Number:** Enter the applicant’s fax number.

**e-Mail Address:** Enter the applicant’s e-mail address.

### APPLICANT ENTITY INFORMATION

Indicate the applicant’s entity type by entering the appropriate information in the space to the right of the correct entity type. Please note that only one entity type may be selected.

**Individual:** Enter the applicant’s country of citizenship.

**Corporation:** Enter the applicant’s state of incorporation (or the applicant’s country of incorporation if the applicant is a foreign corporation).

**Partnership:** Enter the state under whose laws the partnership is organized (or the country under whose laws the partnership is organized if the partnership is a foreign partnership).

**Name(s) of General Partner(s) & Citizenship/incorporation:** Enter the names and citizenship of any general partners who are individuals, and/or the names and state or (foreign) country of incorporation of any general partners which are corporations, and/or the names and states or (foreign) countries of organization of any general partners which are themselves partnerships. If the owner is a limited partnership, then only the names and citizenship or state or country of organization or incorporation of the general partners need be provided.

**Other Entity Type:** Enter a brief description of the applicant’s entity type (e.g., joint or multiple applicants, joint venture, limited liability company, association, Indian Nation, state or local agency, trust, estate). The following sets forth the information required with respect to the most common types of “other” entities:

For *joint or multiple applicants*, enter the name and entity type of each joint applicant. Also, enter the citizenship of those joint applicants who are individuals, and/or the state or (foreign) country of incorporation of those joint applicants that are corporations, and/or the state or (foreign) country of organization- and the names and citizenship of the partners- of those joint applicants which are partnerships. The information regarding each applicant should be preceded by a separate heading tag (<APPLICANT INFORMATION>).

For *joint venture*, enter the name and entity type of each entity participating in the joint venture. Also, enter the citizenship of those joint venture participants who are individuals, and/or the state or (foreign) country of incorporation of those joint venture participants that are corporations, and/or the state or (foreign) country of organization- and the names and citizenship of the partners- of those joint venture participants that are partnerships. The information regarding each entity should be preceded by a separate heading tag (<APPLICANT INFORMATION>).

For *limited liability company or association*, enter the state or (foreign) country under whose laws the entity is established.

For *state or local agency*, enter the name of the agency and the state and/or locale of the agency (e.g., Maryland State Lottery Agency, an agency of the State of Maryland).

For *trusts*, identify the trustees and the trust itself, using the following format: The Trustees of the XYZ Trust, a California trust, the trustees comprising John Doe, a U.S. citizen, and the ABC Corp., a Delaware corporation. (Please note that the trustees, and not the trust itself, must be identified as the applicant in the portion of the application designated for naming the applicant).

For *estates*, identify the executors and the estate itself using the following format: The Executors of the John Smith estate, a New York estate, the executors comprising Mary Smith and John Smith, U.S. citizens. (Please note that the executors, and not the estate itself, must be identified as the applicant in the portion of the application designated for naming the applicant).

**State/Country under Which Organized:** Enter the state or country under whose laws the entity is organized.

## CERTIFICATION MARK INFORMATION

**Mark:** A mark may consist of words alone, a design or logo, or a combination of words and a design or logo. However, an application may consist of only one mark; separate marks must be filed in separate applications. In this space, enter the word mark in typed form (e.g., THE CAT'S MEOW); or, in the case of a non-word mark or a combination mark, a brief description of the mark (e.g., Design of a fanciful cat or Design of a fanciful cat combined with THE CAT'S MEOW). Do NOT include quotation marks around the mark itself, unless the mark actually features these quotation marks. Also, do NOT include any information related to a "pseudo mark" in this field. The "pseudo mark" field is controlled by the USPTO, and is not something that you should try to enter. If the USPTO determines that a pseudo mark is necessary for your particular mark, it will enter this information in the search system.

**Typed Form:** Enter "YES" if the certification mark is in a "typed" format (i.e., if the mark consists of only typed words, letters or numbers, and does not include any special stylization or design element(s)). Please note that a registration for a mark based on a typed drawing affords protection not only for the typed version of the mark, but for all other renderings of the mark as long as those renderings do not contain any design elements. For a drawing in stylized form or design, a special form drawing must be submitted. The drawing should be in black and white.

## GOODS AND/OR SERVICES

**International Class Number(s):** Enter the appropriate International Class number(s): for goods, "A" and for services, "B."

**Listing of Goods and/or Services, by Class:** Enter the specific goods and/or services associated with the mark. If the applicant is relying on more than one filing basis, the specific basis should be set forth, followed by the goods and/or services that the particular basis covers.

## CERTIFICATION

**Certification statement:** Enter, for example, a particular regional origin of the goods; a characteristic of the goods or services; or that labor was performed by a particular group.

## FEE INFORMATION

**Number of Classes:** Enter the number of classes (e.g., “1” or “3”) for which applicant seeks registration.

**Total Filing Fee Paid:** Enter the fee amount that is enclosed (either in the form of a check or money order in U.S. currency, made payable to “Commissioner of Patents and Trademarks”), or that is to be charged to a USPTO deposit account. Please note that the filing fee is \$325.00 per class of goods or services listed, and at least \$245.00 must accompany the application in order for a filing date to be assigned.

## FILING BASIS INFORMATION

**Intent to Use:** Section 1(b): Enter YES if the applicant does not yet exercise control over use of the mark in commerce but has a bona fide intention to exercise such control.

**Use in Commerce:** Section 1(a): Enter YES if the applicant is actually exercising legitimate control over use of the mark in commerce.

**Specimens:** The applicant must submit one (1) specimen showing the mark as used by authorized persons in commerce on or in connection with any item listed in the description of goods and/or services. Examples of acceptable specimens are tags or labels for goods, and advertisements for services. If the goods and/or services are classified in more than one international class, a specimen must be provided showing the mark used on or in connection with at least one item from each of these classes. The specimen must be flat and no larger than 8½ inches (21.6 cm.) wide by 11.69 inches (29.7 cm.) long.

**Copy of Standards:** The applicant must submit with the application the standards that the applicant uses to determine whether particular goods or services will, in fact, be certified. (In an application filed based on an intent to use in commerce, this should be provided with the Allegation of Use (Amendment to Allege Use/Statement of Use).

**Date of First Use Anywhere:** Enter the date on which the goods were first sold or transported or the services first rendered under the mark if such use was in the ordinary course of trade. For every applicant, whether foreign or domestic, the date of first use of a mark is the date of the first such use *anywhere*, in the United States or elsewhere. Please note this date may be earlier than, or the same as, the date of the first use of the mark in commerce.

**Date of First Use in Commerce:** Enter the date on which authorized persons first used the mark in commerce, i.e., in interstate commerce, territorial commerce, or commerce between the United States and a foreign country.

**Foreign Priority:** Section 44(d): Enter “YES” if applicant is filing the application within six months of filing the first foreign application to register the mark in a defined treaty country.

**Country of Foreign Filing:** Enter the country where the foreign application upon which the applicant is asserting a claim of priority has been filed.

**Foreign Application Number:** Enter the foreign application serial number, if available.

**Filing Date of Foreign Application:** Enter the date (two digits each for both the month and day, and four digits for the year) on which the foreign application was filed. To receive a priority filing date, the applicant must file the United States application within six months of filing the first foreign application in a defined treaty country.

**Foreign Registration:** Section 44(e): Enter “YES” if applicant is relying on a foreign registration certificate or a certified copy of a foreign registration currently in force. Applicant must submit this foreign registration certificate or a certified copy of the foreign registration.

**Country of Foreign Registration:** Enter the country of the foreign registration.

**Foreign Registration Number:** Enter the number of the foreign registration.

**Foreign Registration Date:** Enter the date (two digits each for both the month and day, and four digits for the year) of the foreign registration.

**Foreign Registration Renewal Date:** Enter the date (two digits each for both the month and day, and four digits for the year) of the foreign registration renewal.

**Foreign Registration Expiration Date:** Enter the expiration date (two digits each for both the month and day, and four digits for the year) of the foreign registration.

#### **SIGNATURE AND OTHER INFORMATION**

**Signature:** The appropriate person must sign the form. A person who is properly authorized to sign on behalf of the applicant includes a person with legal authority to bind the applicant and/or a person with firsthand knowledge and actual or implied authority to act on behalf of the applicant.

**Date Signed:** Enter the date (two digits each for both the month and day, and four digits for the year) on which the application is signed.

**Name:** Enter the name of the person signing the application.

**Title:** Enter the signatory's position, if applicable, e.g., vice-president, general partner. Or, if appropriate, enter the language "Duly authorized officer."

#### **CONTACT INFORMATION**

Although this may be the same as provided elsewhere in the document, please enter the following required information for where the USPTO should mail correspondence. (Please note that correspondence will *only* be mailed to an address in the U.S. or Canada).

**Name:** Enter the full name of the contact person.

**Company/Firm Name:** Enter the name of the contact person's company or firm.

**Street:** Enter the street address or rural delivery route where the contact person is located.

**City:** Enter the city and/or foreign area designation where the contact person's address is located.

**State:** Enter the U.S. state or Canadian province in which the contact person's address is located.

**Country:** Enter the country of the contact person's address.

**Zip Code:** Enter the U.S. Zip code or Canadian postal code.

**Telephone Number:** Enter the appropriate telephone number.

**Fax Number:** Enter the appropriate fax number, if available.

**e-mail Address:** Enter the appropriate e-mail address, if available.